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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|---------------------|
| 10/621,466 | 07/18/2003 | Horst Knoetig | 40424-189156 | 1148 |
| 26694 | 7590 | 07/06/2006 | EXAMINER | |
| VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998 | | | | PETERSON, KENNETH E |
| | | ART UNIT | | PAPER NUMBER |
| | | 3724 | | |

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|---------------------|----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/621,466 | KNOETIG, HORST |
| | Examiner | Art Unit |
| | Kenneth E. Peterson | 3724 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 4,7 and 8 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5,6 and 9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,5,6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Blake '928, who shows a transporter 20 and a book notcher with an acutely angled blade as seen in figures 1 and 2.

In regards to claim 5, the carrier shaft (15) is angled (perpendicularly) to the direction of the conveyance path as best seen in figures 1 and 3.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3,5,6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detterman et al.'780 in view of Fogg.

Detterman shows a book notcher with an acutely angled blade as seen in figure 9, and a transporter as seen in figure 8.

As best seen in figure 8, there are three notching stations (52) on the carrier (51). This means that no two blades are exactly opposite one another. Of course, one of ordinary skill in the art would recognize that three is an arbitrary number, and that Detterman would just as well with 4 stations, or two stations, or even just one station on

each carrier. An example of this is the patent to Fogg, who shows a carrier (4, right side of figure X), which has just one station, with blades directly opposite each other. It would have been obvious to one of ordinary skill in the art to have modified Detterman by making the carrier have just one (or two or four) notching stations on the carrier, as is obvious and taught by Fogg, since this is an art recognized equivalent known for the same purpose.

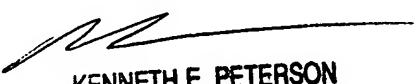
5. Applicant's arguments have been fully considered but they are not persuasive.
Applicant has successfully overcome the rejection by Kraushaar.
Applicant argues that Blake's carrier shaft (15) is parallel to the conveying path of the book. Applicant is incorrect. Please take another look at figures 1 and 3.
Applicant's arguments with regards to Detterman are largely moot in view of the modification by Fogg. Applicant again argues that Detterman makes straight cuts instead of arcuate cuts. Examiner agrees that the cuts may appear straight when taking a quick glance, but they are intrinsically slightly arcuate due to the arcuate motion of the blades. Examiner acknowledges they are significantly less arcuate than Applicant's, but they are arcuate nonetheless.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 571-272-4512. The examiner can normally be reached Mon-Thurs, 7:30AM-5PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KP
June 26, 2006



KENNETH E. PETERSON
PRIMARY EXAMINER